

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Catherine Duskin,,

Plaintiff,

- *against* -

United Parcel Service, Inc.,

Defendant.

United Parcel Service, Inc.,

Third-Party Plaintiff,

- *against* -

Kenneth H. Duskin and Stephen Michael Vernarelli,

Third-Party Defendants.

Copies mailed 9/15/21  
Chambers of Judge Davison  
to Plaintiff

19 Civ. 9911 (KMK)(PED)

**ORDER**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 9/15/21

**PAUL E. DAVISON, U.S.M.J.:**

Plaintiff Catherine Duskin filed this action on October 28, 2019, through counsel Walter Francis Ciacci, Esq.. The parties commenced Plaintiff's deposition on or around April 14, 2021, which abruptly halted due to an incident after which Plaintiff refused to continue the proceeding. Following a conference on May 11, 2021, Mr. Ciacci sought leave to file a motion to withdraw as counsel, which I granted. Mr. Ciacci formally moved to withdraw as counsel by motion on May 18, 2021, which was properly noticed to and served on Plaintiff. No opposition was filed, and I granted the application to withdraw by an order dated June 7, 2021. The same order scheduled a conference for July 22, 2021 and was duly served on Plaintiff by Mr. Ciacci.

The Court held the July 22, 2021 telephone conference on the record, at which Plaintiff

appeared *pro se*. Plaintiff requested, and the Court granted, an additional 60 days to obtain counsel. Accordingly, the Court scheduled a telephone conference for September 9, 2021. The Court also explained Plaintiff's need to engage counsel, who would be expected to appear during the next conference.

Plaintiff did not appear for the September 9, 2021 conference, and no counsel entered a notice of appearance on her behalf. Defense counsel called into the telephone conference and reported to chambers that they had been contacted by an attorney purporting to represent Plaintiff. The Court adjourned the conference to September 15, 2021 at 9:30am. Later that same day, an attorney purporting to represent Plaintiff contacted chambers. It was explained to the attorney that she needed to file a notice of appearance on behalf of Plaintiff, and she was informed of the scheduled conference on September 15, including the call-in information.

The Court held the telephonic status conference on September 15, 2021. Neither Plaintiff nor an attorney on her behalf appeared. Defense counsel and chambers staff attempted to reach Plaintiff, without success. Court convened the conference at 9:45am on the record. Counsel explained that the attorney who had previously indicated she would be representing Plaintiff had notified counsel, by email on September 13, 2021, that she would not appear on behalf of Plaintiff.

The Court has not received any communication from Plaintiff since the July 22, 2021 conference. No counsel has appeared for Plaintiff.

Accordingly, the Court sets a telephonic conference for **September 29, 2021 at 10:00am**. Plaintiff (or an attorney who has entered an appearance on her behalf) is **ORDERED** to appear. The telephonic conference shall be held on the Court's conference line (call-in number: 877-336-

1839, pass code: 5999739).

Plaintiff is reminded of her duty to diligently prosecute this action. Plaintiff is hereby cautioned that, **pursuant to** Rule 41(b), Federal Rules of Civil Procedure, this action **may be DISMISSED for failure to prosecute, if Plaintiff fails to participate in the scheduled conference.**

Dated: September 15, 2021  
White Plains, New York

**SO ORDERED**



PAUL E. DAVISON, U.S.M.J

Copy Mailed by Chambers To:

Catherine Duskin  
97 Primrose Street  
Katonah, NY 10536